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Crl.O.P.No.8728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8728 of 2023

Sathish

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thuraipakkam Police Station,
Chennai.

(Crime No.82 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.82 of 2023, investigation on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity between two rival gangs, the petitioner (A10) along with other accused has unlawfully assembled and committed murder of the de-facto complainant's son by assaulting him with deadly weapons and escaped from the scene of occurrence. He also submitted that the specific overt act attributed as against the petitioner is that he helped other accused to escape from the scene of occurrence by taking them in his auto rickshaw. He also submitted that the investigation in this case is still pending. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - II, Alandur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Dharmapuri and report before the Inspector of Police, Dharmapuri Town Police Station, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

21.04.2023

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To

1. The Judicial Magistrate - II,
Alandur.
2. The Inspector of Police,
Thuraipakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal -II, Chennai.
4. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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